



Minnesota Center for Environmental Advocacy

The legal and scientific voice protecting and defending Minnesota's environment

Rec'd 5/8/06

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SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

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VIA ELECTRONIC MAIL AND U.S. MAIL

May 8, 2005

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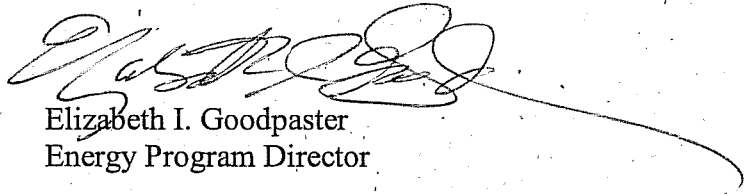
Re: **In the Matter of the Application by Otter Tail Power Company on Behalf of Big Stone II Co-owners for an Energy Conversion Facility Permit for the Construction of Big Stone II Project Docket No. EL05-022**

Dear Ms. Van Gerpen:

Enclosed for filing please find an original and ten copies of Notice of Motion and Motion to Compel Discovery and to Extend Deadline for Intervenor Testimony, Affidavit of David A. Schlissel, Affidavit of Elizabeth I. Goodpaster and Appendix to Affidavit of Elizabeth I. Goodpaster, as well as an Affidavit of Service

If you have any questions, please contact me at 651-223-5969.

Sincerely,


Elizabeth I. Goodpaster
Energy Program Director

Enclosure

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

**In the Matter of Otter Tail Power)
Company on behalf of Big Stone II)
Co-owners for an Energy Conversion)
Facility Permit for the Construction)
Of the Big Stone II Project)**

DOCKET NO. EL05-022

**NOTICE OF MOTION AND MOTION TO COMPEL DISCOVERY AND
TO EXTEND DEADLINE FOR INTERVENOR TESTIMONY**

To: Big Stone II Co-owners and their attorneys, Thomas J. Welk and Christopher W. Madsen, Boyce, Greenfield, Pashby and Welk, 101 N. Phillips Ave., #600, P.O. Box 5015, Sioux Falls, SD 57117-5015; Todd J. Guerrero and Peter L. Tester, Lindquist and Vennum, 4200 IDS Center, 80 South Eighth Street, Minneapolis, MN 55402-2274.

NOTICE OF MOTION

PLEASE TAKE NOTICE, that Minnesota Center for Environmental Advocacy (“MCEA”), Minnesotans for an Energy-Efficient Economy (“ME3”), Izaak Walton League of America – Midwest Office (“IWLA”), and the Union of Concerned Scientists (“UCS”), (collectively, “Intervenors”) will move the South Dakota Public Utilities Commission (the Commission) as set forth in more detail below, for orders compelling discovery and extending the deadline for Intervenors’ pre-filed testimony in this matter, and for recovery of their costs of these motions, including attorney fees.

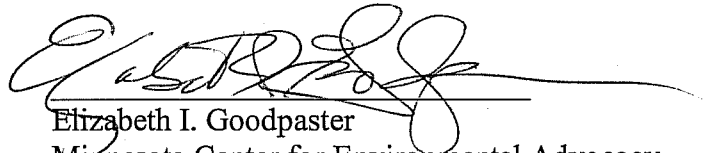
MOTIONS

These motions are brought pursuant to ARSD 20:10:01:22.01, and upon the accompanying Affidavit of Elizabeth I. Goodpaster, with Appendix of Exhibits thereto, and Affidavit of David A. Schlissel. Specifically, the motions request the following relief:

1. An order compelling full and complete responses by the Big Stone II Co-owners to discovery in accordance with the South Dakota Public Utilities Commission Administrative Rules.

2. An order amending the procedural schedule in this proceeding to grant Intervenors an extension for the filing of pre-filed testimony that allows Intervenors until May 26, 2006, to prepare and submit their testimony, assuming their prompt receipt of full and complete discovery responses.
3. An order awarding Intervenors their costs, including attorney's fees necessitated by these motions.

Dated: May 8, 2006



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MIDWEST OFFICE, UNION OF
CONCERNED SCIENTISTS, AND
MINNESOTA CENTER FOR
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